

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HAROLD TOUSSAINT,	:	
	:	
Plaintiff,	:	
	:	22 Civ. 10739 (LGS)
-against-	:	
	:	<u>ORDER</u>
JF RESTAURANTS, et al.,	:	
Defendants.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Plaintiff has not provided Defendants with a copy of the original complaint's Civil Cover Sheet in his possession;

WHEREAS, Defendants do not consent to accept service of the Amended Complaint. It is hereby

ORDERED that, by **November 3, 2023**, Plaintiff shall file a copy of the Civil Cover Sheet in his possession on the docket. By the same date, Plaintiff shall also mail a copy to the Court using the following address: The Honorable Lorna G. Schofield, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007. It is further

ORDERED that, by **November 3, 2023**, if Plaintiff seeks the assistance of a United States marshal to serve a copy of the summons and Amended Complaint, Plaintiff shall submit an application to proceed *in forma pauperis* (without prepaying fees or costs), available here: <https://www.nysd.uscourts.gov/sites/default/files/2018-06/IFP-application.pdf>. It is further

ORDERED that, if Plaintiff fails to complete such a form, by **November 22, 2023**, Plaintiff shall serve Defendants JF Restaurants, John Fraser and Amy Racine with a copy of the summons and Amended Complaint by following Federal Rule of Civil Procedure 4, which

requires that the server be a person “who is at least 18 years old and not a party.” Fed. R. Civ. P. 4(c)(2). In other words, Plaintiff himself may not be the server. However, Plaintiff may ask a trusted family member or friend who is over 18 years old to be the server, or he may hire a professional process server. Plaintiff is directed towards Federal Rule of Civil Procedure 4(e) for instructions on how to serve an individual and Federal Rule of Civil Procedure 4(h) for instructions on how to serve a corporation. Pursuant to Federal Rule of Civil Procedure 4(l), Plaintiff shall file proof of service on the docket by the same date. Plaintiff may use the following form to fulfill the proof of service requirement:

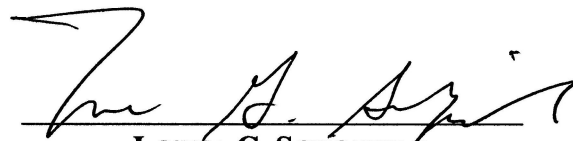
<https://www.nysd.uscourts.gov/sites/default/files/2018-06/2013-affirmation-of-service.pdf>.

Plaintiff is encouraged to speak with the New York Legal Assistance Group if he has questions about how to serve Defendants. Plaintiff is also encouraged to visit the Southern District of New York’s website for answers to commonly asked questions by pro se litigants:

<https://www.nysd.uscourts.gov/prose-faqs>. A copy of Federal Rule of Civil Procedure 4 can be found here: https://www.law.cornell.edu/rules/frcp/rule_4.

The Clerk of Court is respectfully directed to mail a copy of this Order to the pro se Plaintiff.

Dated: October 18, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE